APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,005	03/07/2000	Michael R. Pallesen	M-8036 US	1151

33031   7590   05/15/2003

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EXAMINER
BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 March 2003_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-12,14-24 and 26-36_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-12,14-24 and 26-36_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 5 March 2003.

Claims 1 and 15 have been amended. Claims 2-12, 14, and 16-24 are pending. Claims

13 and 25 have been cancelled. Claims 27-36 are newly added.

Drawings

2.   The objections to the drawings are hereby withdrawn due to the amendment filed

5 March 2003.

Specification

3.   The objections to the specification are hereby withdrawn due to the amendment

filed 5 March 2003.

Claim Rejections - 35 USC § 101

4.   The rejections of claims 1-12 and 14 are hereby withdrawn due to the

amendment filed 5 March 2003.

Claim Rejections - 35 USC § 112

5.   The rejections of claims 1-12 and 14 are hereby withdrawn due to the

amendment filed 5 March 2003.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-6, 8-9, 11-12, 14-18, 20-24, 26-30, and 32-36 are rejected under 35

U.S.C. 103(a) as being unpatentable over Dworkin (4,992,940) in view of Kennedy

(5,787,453).

(A) As per claim 1, Dworkin discloses an automated system for determining the best

price available for a product or service meeting a set of specifications comprising (col. 1

lines 53-60):

(a) a central processing unit (col. 3 line 62);

(b) memory of a computer storing a database, wherein the computer is

programmed (col. 3 line 60 to col. 4 line 35);

(c) a terminal for communicating over a modem with the computer storing the

database, wherein the computer accepts inputs from the user, searches the database,

and displays the results to the user on the terminal, wherein the database contains

information about products and/or services and the vendors who sell them, including a

number which identifies the product, the lowest price available among all the vendors in

the database, the average price for the product for all vendors in the database, and the

list price for the product, wherein the entries for lowest price and the average price are

calculated anew for each search by a user by searching the database for each vendor

selling a particular item, and noting the price offered by each vendor (reads on "product

rate expression"), and wherein shipping charges are also calculated for a product by

including in the database a detailed table giving shipping charges, as established by a

common carrier, for every combination of shipping weights and distances, and then

determining the shipping charges by consulting the stored table and calculating an

amount based on distance and time and then displaying the shipping charge to the user

(also reads on "product rate expression") (Fig. 1-2, 6, col. 3 line 60 to col. 4 line 35, col.

5 lines 35-68, col. 6 lines 11-44 and lines 58-65, and col. 8 lines 38-56) (It is noted that

in Figure 1 the CPU and database are in communication with each other, and therefore

this is considered to be a form of a "database interface");

(c) a database containing information about products and/or services and the

vendors who sell them (reads on "product rate information cache"), including a number

which identifies the product, the lowest price available among all the vendors in the

database, the average price for the product for all vendors in the database, and the list

price for the product (Fig. 1-2, 6, col. 3 line 60 to col. 4 line 35, col. 5 lines 35-68, col. 6

lines 11-44 and lines 58-65, and col. 8 lines 38-56);

(d) a program for calculating in the database the entries for lowest price and the

average price for each search by a user by searching the database for each vendor

selling a particular item, and noting the price offered by each vendor (reads on "product

rate expression") and a program for calculating shipping for a product by including in the

database a detailed table giving shipping charges, as established by a common carrier,

for every combination of shipping weights and distances, and then determining the

shipping charges by consulting the stored table and calculating an amount based on

distance and time and then displaying the shipping charge to the user (also reads on

"product rate expression") (Fig. 1-2A-2B, 6, col. 3 line 60 to col. 4 line 35, col. 5 lines 35-

68, col. 6 lines 11-44 and lines 58-65, col. 8 lines 38-56, col. 10 line 65 to col. 12 line

40);

(e) a terminal for displaying the products to the user, including the price of the

product (Fig. 1, and 3-8, col. 11 lines 13-16); and

(f) wherein the database (reads on "cache") is stored in memory of the computer

(col. 3 lines 60-68).

Dworkin does not expressly disclose the expression evaluation routine being

operable to parse the product rate expression into at least one token, and operable to

evaluate the at least one token to determine a product rate. Kennedy includes a system

that parses formulas into operands and operators that are further evaluated to obtain a

result (Kennedy; col. 3, lines 15-24 and col. 8, line 44 to col. 10, line 39). It would have

been obvious to one of ordinary skill in the art at the time of the invention to add the

formula parser of Kennedy to the system of Dworkin with the motivation of providing

users with very little grasp of computer programming methodologies a way to develop

systems to calculate virtually anything of a mathematical nature once they can identify

the source of data to be used, a target location for the result, and the fundamental

mathematical operations needed to derive the result (Kennedy; col. 3, lines 30-35) and

providing a system a system that allows a user to determine the best price available for

a product or service meeting a set of specifications (Dworkin; col. 1 lines 5-60).

(B) As per claim 2, Dworkin discloses a database including a detailed table giving

shipping charges as established by a common carrier, as established by a common

carrier, for substantially every combination of shipping weights and distances. Dworkin

is entirely silent as to whether this table is a multi-dimensional table of data. Kennedy

discloses a SQL database having a number of dimensions (col. 6 lines 50-60). The

skilled artisan would have found it obvious to modify the system of Dworkin to include

the features of Kennedy with the motivation of enabling the user to efficiently access

and analyze data stored in the database.

(C) As per claim 3, Dworkin discloses storing certain information about each user, such

as name and address (col. 8 lines 9-25). Dworkin is entirely silent as to whether this

table is a multi-dimensional table of data and is indexed. Kennedy discloses a SQL

database having a number of dimensions (col. 6 lines 50-60). The skilled artisan would

have found it obvious to modify the system of Dworkin to include the features of

Kennedy with the motivation of enabling the user to efficiently access and analyze data

stored in the database. As per the recitation of "indexed by consumer information", it is

respectfully submitted that a typical SQL database indexes any of the information stored

in a database, and this would have been an obvious modification for the purpose of reducing the time to retrieve data and organizing the data within the database efficiently.

(E) As per claims 4-5, Kennedy discloses an operand representing a variable and an operation identifier representing an operation which is in the set consisting of mathematical and data transfer operations (reads on "logic or number operator") (Kennedy; col. 3, lines 15-24, col. 6 lines 13-26, col. 8, line 44 to col. 10, line 39, col. 14 lines 1-67). The motivation for combining Kennedy within Dworkin is given above in claim 1, and incorporated herein.

(F) As per claim 6, Kennedy teaches the use of Reverse Polish notation and other notations (Kennedy; col. 8, lines 54-60, Figures 5a-b). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the expressions taught collectively by Dworkin and Kennedy with the motivation of using a conventional mathematical field ordering notation that most readers would be familiar with (Kennedy; col. 8, lines 55-57).

(G) As per claims 8 and 18, Dworkin discloses a program for calculating in the database based on information inputted into the terminal, the entries for lowest price and the average price for each search by a user by searching the database for each vendor selling a particular item, and noting the price offered by each vendor (reads on "product rate expression") and a program for calculating shipping for a product by

including in the database a detailed table giving shipping charges, as established by a

common carrier, for every combination of shipping weights and distances, and then

determining the shipping charges by consulting the stored table and calculating an

amount based on distance and time and then displaying the shipping charge to the user

(also reads on "product rate expression") (Fig. 1, 2A-2B, 6, col. 3 line 60 to col. 4 line

35, col. 5 lines 35-68, col. 6 lines 11-44 and lines 58-65, col. 8 lines 38-56, col. 10 line

65 to col. 12 line 40). However, Dworkin does not expressly disclose the program

evaluating tokens to provide a product rate. Kennedy teaches the parsing of formulas

into tokens and the evaluation of the tokens to provide a result (Kennedy; col. 3, lines

15-24 and col. 8, line 44 to col. 10, line 39). It would have been obvious to one of

ordinary skill in the art at the time of the invention to add the feature of Kennedy to the

system of Dworkin with the same motivation as applied to claim 1, and incorporated

herein.

(H) As per claim 9, Dworkin discloses a terminal for receiving from the user at least one

specification relating to the product, and then displaying products to the user, including

the price of the product based on searching a database of product information (Fig. 1,

and 3-8, col. 10 line 65 to col. 11 line 33) and the user inputting the name and address

of the user (reads on "consumer information") into the terminal (col. 8 lines 9-25).

As per the recitation of a "client application" and "client interface", the

programming of a computer and means for displaying disclosed by Dworkin (col. 4 lines

30-35, col. 10 line 65 to col. 11 line 33) and are considered to be a form of "client

application" and "client interface".

(I) As per claims 11-12, Dworkin discloses the computer communicating with the

terminal by telephone lines or modem (col. 4 lines 3-12). It is respectfully submitted that

using web server applications within a client-server architecture over a network is a

typically used means for providing software applications to users, and the skilled artisan

would have found web server applications within the system taught collectively by

Dworkin and Kennedy with the motivation of allowing applications to be accessed from

a remote location over a network and providing applications that are easily updateable.

(J) As per claim 14, Dworkin discloses the price of a product being a numeric value

stored in the database (see Fig. 7, col. 6 lines 25-45). The remainder of claim 14

repeats the same limitations as claims 1 and 2, and is therefore rejected for the same

reasons given for claim 14, and incorporated herein.

(K) Claim 15 differs from system claim 1 by reciting the step of "loading product

information including at least one product rate expression from a database." As per this

steps, Dworkin discloses updating the database including stored product information

(col. 6 lines 25- 37 and col. 10 lines 45-55). The remainder of claim 15 repeats the

same limitations as claims 1, 9, and 14, and is rejected for the same reasons given

above in the rejections of those claims, and incorporated herein.

(L) Claim 16 repeats the same limitations as claims 2 and 14, and is rejected for the

same reasons given above in the rejections of those claims, and incorporated herein.

(M) As per claim 17, Dworkin discloses storing the product information in a database

table (col. 3 line 47 to col. 4 line 35 and col. 8 lines 38-56). It is respectfully submitted

that storing information in tables is a form of database record.

(N) Claims 20-23 repeat the same limitations as claims 4-6, and are therefore rejected

for the same reasons given for those claims, and incorporated herein.

(O) As per claim 24, Dworkin discloses a program for calculating in the database

based on information inputted into the terminal, the entries for lowest price and the

average price for each search by a user by searching the database for each vendor

selling a particular item, and noting the price offered by each vendor (reads on "product

rate expression") and a program for calculating shipping for a product by including in the

database a detailed table giving shipping charges, as established by a common carrier,

for every combination of shipping weights and distances, and then determining the

shipping charges by consulting the stored table and calculating an amount based on

distance and time and then displaying the shipping charge to the user (also reads on

"product rate expression") (Fig. 1, 2A-2B, 6, col. 3 line 60 to col. 4 line 35, col. 5 lines

35-68, col. 6 lines 11-44 and lines 58-65, col. 8 lines 38-56, col. 10 line 65 to col. 12 line

40). However, Dworkin does not expressly disclose the program evaluating tokens to

provide a product rate. Kennedy teaches the parsing of formulas into tokens and the

evaluation of the tokens to provide a result (Kennedy; col. 3, lines 15-24 and col. 8, line

44 to col. 10, line 39). It would have been obvious to one of ordinary skill in the art at the

time of the invention to add the feature of Kennedy to the system of Dworkin with the

same motivation as applied to claim 1, and incorporated herein. The remainder of claim

24 repeats the same limitations as claims 2 and 5, and is rejected for the same reasons

given for those claims, and incorporated herein.

(P) Claim 26 repeats the same limitations as claim 1, and is therefore rejected for the

same reasons given for claim 1, and incorporated herein.

(Q) Claims 27-30 and 32-36 repeat the subject matter of system claims 15-18 and 20-

24 as a computer readable medium comprising instructions executable on a processor

rather than as a set of apparatus elements. As the underlying elements of claims 15-18

and 20-24 have been shown to fully disclosed by the collective teachings of Dworkin

and Kennedy in the above rejections of those claims, it is readily apparent that the

system disclosed collectively by Dworkin and Kennedy includes the computer readable

medium to perform the functions of the system. As such, these limitations are rejected

for the same reasons given above for claims 15-18 and 20-24, and incorporated herein.

8.   Claims 7, 10, 19, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dworkin (4,992,940) and Kennedy (5,787,453) as applied to claims

1, 15, and 27 above, and further in view of Bosco et al. (5,191,522)

(A) As per claims 7, 10, 19, and 31, the relevant teachings of Dworkin and Kennedy,

and the motivation for their combination are as discussed above, and incorporated

herein. Dworkin and Kennedy are deficient in that they do not disclose product rate

information for insurance, wherein the insurance is at least one of home insurance, life

insurance, health insurance, automobile insurance, and renter's insurance. However,

this is only because Dworkin's exemplary embodiment is drawn to a different field,

namely, the field of computer hardware products (col. 5 lines 16-27). Further, Dworkin

does suggest the use of his systems and methods to other products and services (col. 5

lines 28-34 and col. 10 lines 22-35). Moreover, integrated computer network systems

that specifically handle insurance matters are well known in the art, as evidenced by

Bosco. In particular, Bosco discloses providing coverage rate and premiums stored in a

database to a sales subsystem (col. 29 line 48 to col. 30 line 11) for life, medical, and

long term disability insurance (col. 1 lines 23-41). One having ordinary skill in the art at

the time of the invention would have found it obvious to provide insurance rates as

disclosed by Bosco within the system taught collectively by Dworkin and Kennedy with

the motivation of providing users the power or control to access the information

regarding insurance products offered by vendors so that a user may obtain the products

most suited to his or her needs.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-12, 14-24, and 26-36 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to the

Applicant's disclosure. The cited but not applied prior art teaches an automated market

price analysis system (5,960,407), an automated product pricing system (6,076,071), a

product hierarchy database for investment analysis (6,338,067), a method and

apparatus for pricing products in multi-level product and organizational groups

(6,553,350), and a method and system for international shopping (US 2002/0120527

A1).

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-

3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm,

and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Receptionist whose telephone number is (703)

306-1113.

12.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

Or faxed to:

> (703) 305-7687   [Official communications; including After Final
>   communications labeled "Box AF"]
>
> (703) 746-8374   [Informal/ Draft communications, labeled
>   "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
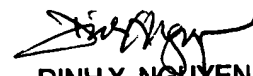Arlington, VA, 7th Floor (Receptionist).

CB

May 8, 2003

DINH X. NGUYEN

PRIMARY EXAMINER